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|-------------------------------|------------------------|---------------------|--|
| <b>Notice of Allowability</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                               | 10/687,512             | SOLOMON ET AL.      |  |
|                               | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                               | James F. Sugent        | 2116                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment After Non-Final received April 30, 2007.
2. ☒ The allowed claim(s) is/are 1, 3-11, 13-21, 23-28 and 30 (renumbered as 1-26).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20070719</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|  | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

**Change independent claim 1 (line 8) from,**

*"...wherein the switching fabric includes a pair of bridges."*

**to now read,**

*"...wherein the switching fabric includes a pair of bridges, each bridge including a protocol virtualization control register."*

Authorization for this examiner's amendment was given in a telephone interview with Attorney Jeffrey Barclay (Reg. No. 48,950) on July 18, 2007.

### DETAILED ACTION

This Office Action is sent in response to Applicant's Communication received April 30, 2007 for application number 10/687,512 originally filed October 15, 2003. The Office hereby acknowledges receipt of the following and placed of record in file: amended claims 1-30 (wherein claims 2, 12, 22 and 29 are canceled) are presented for examination.

*Allowable Subject Matter*

Claims 1, 3-11, 13-21, 23-28 and 30 are allowed.

The following is an examiner's statement of reasons for allowance in re independent claim 1:

5 Gutman et al. (U.S. Patent No. 7,137,018 B2) (hereinafter referred to as Gutman) discloses a method comprising: initiating a transaction using a protocol (transaction layer protocol TLP or data link layer protocols using DLLPs) that directs packets (DLLP) based on physical location of a receiving device over a switching fabric (157 or 200) that directs packets based on path routing information in packets, by establishing a virtual link partner relationship  
10 between a first component (107 or 201) and a second component (111 or 203) coupled by a switching fabric, wherein the transaction is used in establishing a power management state of a given link that is shared by the first and second components, the power state of the first component transitions upon a transition of the power state of the second component (Gutman discloses an upstream component that transitions to a low power state L1 after a downstream  
15 component transitions to a low power state) (column 2, lines 23-61 and column 5, line 37 thru column 6, line 23 and column 6, line 47 thru column 7, line 16). However, Gutman is a reference that has a common assignee and inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). As a result, the applied reference could not be combined with another reference. Therefore, the  
20 limitation of "wherein the switching fabric includes a pair of bridges, each bridge including a protocol virtualization control register," either singularly or in combination, could not be found

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in further examiner's search. As a result, independent claim 1 is deemed allowable. Furthermore, dependent claims 3-10 are also deemed allowable based on dependence to allowed claim 1.

Likewise, independent claims 11, 21 and 28 comprise similar limitations as claim 1 and are also allowed for the same reasons discussed hereinabove. Also, dependent claims 13-20, 23-

27 and 30 are also deemed allowable based on dependence to allowed claims 11, 21 and 28.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to James Sugent whose telephone number is (571) 272-5726. The Examiner can normally be reached on 8AM - 4PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rehana Perveen can be reached on (571) 272-3676. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (IN USA OR CANADA) or (571) 272-1000.

5 James F. Sugent  
Patent Examiner, Art Unit 2116  
July 19, 2007



**A. ELAMIN**  
**PRIMARY EXAMINER**